

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
EGYPTIAN NAVIGATION CO.,

Plaintiff,

- against -

BAKER INVESTMENTS CORPORATION and  
BAKER INTERNATIONAL GROUP,

Defendants.  
-----X

**ECF CASE**

08 Civ. 02080 (SHS)

**AFFIRMATION OF ANTONIS LEMOS IN SUPPORT OF  
MOTION TO VACATE ATTACHMENT**

ANTONIS LEMOS, affirms and states the following under the penalties of perjury under the laws of the United States pursuant to 28 USC § 1746:

1. I am Director of Baker Investments Corporation ("BIC") and have personal knowledge of the matters stated herein. I make this Affirmation in support of Adora Investments Inc.'s ("Adora") motion to vacate the attachment and have read the Affirmation of Phillipos Gallanis dated March 14<sup>th</sup>, 2008, as well.

2. BIC is registered in the Marshall Islands and has an office and place of business at 5-7 Agios Nikolaos Street, Piraeus, Greece.

3. On February 20, 2008, BIC sub-chartered the vessel M/V DJEBEL REFAA to Louis Dreyfus Commodities Suisse S.A. ("Louis Dreyfus"). (A copy of the Louis Dreyfus sub-charter is attached as Exhibit A.) Under this sub-charter, Louis Dreyfus was required to make a freight payment to BIC.

4. As Mr. Gallanis explains in his Affirmation, Adora advanced funds to BIC in 2005 and 2006 and BIC agreed to make repayment of these funds. BIC failed to make any

repayments by January 31, 2008, the last day for BIC to make any payments under the agreement.

Therefore, on February 22, 2008, BIC and Adora entered into a Deed of Assignment whereby BIC would assign its rights to the freight payments under the Louis Dreyfus sub-charter to Adora and would assign its rights to additional sub-freights from subsequent fixtures of the DJEBEL REFAA. (A copy of the Deed of Assignment is attached to the Affirmation of Mr. Gallanis.)

5. On March 5, 2008, BIC sent a freight invoice to Louis Dreyfus. The freight invoice directed Louis Dreyfus to wire transfer the freight payment of \$127,755.79 directly to Adora's bank account. (A copy of the freight invoice is attached as Exhibit B).

6. The wire transfer was initiated on March 5, 2008. Apparently, a mistake was made however, and the wire instructions named BIC as the beneficiary of the funds transfer, even though the rest of the beneficiary details described Adora's bank account. (A copy of the wire transfer instructions is attached as Exhibit C). Corrective wire transfer instructions were subsequently sent, but apparently it was too late. (A copy of the corrective wire transfer instructions is attached as Exhibit D).

7. As an apparent result of the mistake in the initial wire transfer instructions, the funds transfer of the freight payment by Louis Dreyfus was attached pursuant to the attachment order obtained by the plaintiff in this case, Egyptian Navigation Co. ("Egyptian"). BIC first learned of this when it received notice of the attachment from Egyptian's counsel on March 6, 2008. (A copy of the notice of attachment is attached as Exhibit E).

8. There is no corporate relationship between Adora and BIC and the two companies have no dealings except for the agreements described above, which were arms-length transactions.

9. Due to the February 22, 2008, assignment BIC has and had no interest in the funds being sent by Louis Dreyfus and which are now under attachment.

10. Further, Adora has no involvement at all with the dispute which is the subject of the plaintiff Egyptian's Verified Complaint in this action.

The foregoing is true and correct to the best of my knowledge under the penalty of perjury under the law of the United States.

Executed on: March 14<sup>th</sup>, 2008



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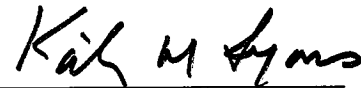
Antonis Lemos

**CERTIFICATE OF SERVICE**

Kirk M. Lyons, an attorney duly admitted to practice before this Honorable Court, affirms on this 17<sup>th</sup> day of March 2008, I served true copies of the foregoing, by e-mail and ECF notice to:

LAW OFFICES OF RAHUL WANCHOO  
Attorneys for Plaintiff  
350 Fifth Avenue, 59th Floor  
New York, NY 10118

Attn: Rahul Wanchoo, Esq.  
rwanchoo@wanchoolaw.com



Kirk M. Lyons

# EXHIBIT A

**Kirk Lyons**

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**From:** Baker [info@bakerintercorp.com]  
**Sent:** Monday, March 10, 2008 10:08 AM  
**To:** klyons@lyons-flood.com  
**Subject:** Refaa Recap

TELIX MSG: 04KBA-00 19/02/08 17:58

PRIME MARITIME INC. - PIRAEUS

TEL:+30-2104527001, +30-2112002300 FAX: +30-2104527006  
TLX: 212791/2 PRIM GR - HOMEPAGE:www.primemaritime.com

ANTONIS / ARIS - DIMITRIS

RE DJEBEL REFAA/DREYFUS

RECAP OF TERMS AGREED:

M/V DJEBEL REFAA BLT 1986

DESCRIPTION OF THE VESSELS:

ALGERIAN FLAG - PLACE BUILT/ JAPAN

P&I: BRITISH MARINE LUXEMBOURG S.A. - CLASS: GERMANISCHER LLOYD

3,687 DWT ON 5.895M SSW INTERNATIONAL GRT / NRT - 2,863.00 / 1,297.00 SUEZ

GRT / NRT - 2,991.47 / 2,146.14 LOA 90.50M / BEAM 15.00M / LBP 83.00M

DEPTH MOULDED 7.05M / TPC 10.95 GRAIN TOTAL 4,605.68 CBM BY

HOLD: 1/2,233.67 - 2/2,372.01 BALE TOTAL 4,368.50 CBM BY

HOLD: 1/2,104.29 - 2/2,264.21

DISTANCE WATER LINE / TOP HATCH COAMING : 2.665 M

DISTANCE WATER LINE/UPPER DECK : 1.155 M

DISTANCE WATER LINE/ TOP OF MAST : 32.00 M

HOLDS / HATCHES : 02 /02

MAC-GREGOR TYPE HATCH COVERS HOLDS ARE CO2 FITTED  
AND MECHANICALLY VENTILATED ( 30 AIR CHANGES )

HOLD NO.1 25.3 M X 12.5M HATCH NO.1 14.70M X 10.20 M

HOLD NO.2 24.5, X15M HATCH NO.2 16.10 M X 10.20 M

PERMISSIBLE LOADS ON TANK TOPS 5.60MT/M2

2 ELECTRIC CRANES, 12.5 MTONS EACH,

(ALL DETAILS ABOUT)

DISP

====

BAKER INVESTMENTS COPORATION

5-7 AG. NIKOLAOU STR.

185 37 PIRAEUS GREECE

OWNRS

3/12/2008



=====  
CTI Group Inc.  
81 AKTI MIAOULY IN PIRAEUS

FOR  
SUB STEM-CHRTS RECONFIRMATION W/IN 4 WORKING HRS AFTER CLEAN FIXED FROM  
OWNRS  
SIDE

ACCNT DREYFUS ESPANA OR COMPANY OF SAME GROUP

- VSL ETA ORAN 20.02.08 FOR DISCH ETC/S 23.02.08 AGW/WP UCE  
ETA SEVILLE 24.02.08 PM OR 25.02.08 AM AGW/WP UCE

L/C 24/29 FEB 2008

L/PORT 1 GSPB AA SEVILLA

D/PORT 1 GSPB AA WEST COAST ITALY SARDINIA-SICILY OR FULL ITALADRIA IN  
CHOPT

CHRTS DECLRE DISC PORT LATEST UPON COMPLETION OF LOADING AND BEFORE S/S  
BS/L

L/D RATE: 1500/1500 TNS PWW DAY SASHEX EIU BENDS

TIME TO COUNT BSS 08/14 CLS BENDS

CGO: UP TO MAX 3300 TNS IN OO OF WHEAT IN BULK STW ABT 46 WOG

- FRT EUROS 24,50 PMT BSS 1/1 D/PORT SARDINA-SICILY

- FRT EUROS 25,00 PMT BSS 1/1 D/PORT WEST COAST ITALY

- FRT EUROS 26,50 PMT BSS 1/1 D/PORT BRINDISI-ANCONA RNGE

- FRT EUROS 27.50 PMT BSS 1/1 D/PORT RAVENNA - TRIESTE RNGE

CGO WILL BE LOADED AND TRIMMED BY SPOUT/PIPES ONLY. GRAB TRIMMED IN  
CHOPT ONLY

DEMURRAGE EUROS 3000 PD PR FD BENDS

DEM IF ANY TO BE PAID W/I 10 DAYS AFTER CHRTS RCVD ALL RELEVANT DOCS  
(SOF/TS/NOR)VIA BROKER BY FAX.

CHABE SUB OWNRS APPRVL OF D/A BENDS

AT D/PORT IF BS/L NOT AVAIBLE,(DUE TO SHORT VOYAGE),VSL TO DISCH AGAINST A  
CHRTS LOI ON OWNRS PANDI WORDING.

ANY OTHER TERM AS PER DJEBEL/DREYFUS FIXTURE VOYAGE MALTA/TUNISIE - C/P  
DTD

23/11 /2007

END

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# EXHIBIT B





**B**

**BAKER INVESTMENTS Corporation**

Tel: + 30 210 4285925/6  
Fax: + 30 210 4282955  
Email: [info@bakerintercorp.com](mailto:info@bakerintercorp.com)

Piraeus Branch Office  
5-7 Ag. Nikolaou Street  
Piraeus 18537, Greece

5<sup>th</sup> March 2008

To : Messrs Louis Dreyfus Commodities Suisse S.A.  
Route de L'Aéroport 29  
CH 1215 Geneve  
Switzerland

*Ref : M/V Djebel Refaa CP DD 20/02/2008*

Dear Sirs,

Please find attached Freight Invoice for cargo loaded on the above vessel at the port of Seville / Spain for Ancona / Italy.

We would appreciate if you could remit the amount of **USD 127,755.79 ( One hundred twenty seven thousand seven hundred fifty five dollars and seventy nine cents )** to the following account :

**EFG EUROBANK ERGASIAS**  
**Acc. Name: ADORA INVESTMENTS INC.**  
**USD Acc No. : 0026.0029.23.1200213642**  
**IBAN : GR 28 0260 0290 0002 3120 0213 642**  
**Swift code: EFGBGRAA**

Yours faithfully,

Baker Investments Corporation



B



**BAKER INTERCOMMENTS Corporation**

Tel: + 30 210 4285925/6  
Fax: + 30 210 4282955  
Email: [info@bakerintercorp.com](mailto:info@bakerintercorp.com)

Piraeus Branch Office  
5-7 Ag. Nikolaou Street  
Piraeus 18537, Greece

5<sup>th</sup> March 2008

## **FREIGHT INVOICE**

Messrs Louis Dreyfus Commodities Suisse S.A.  
Route de L'Aéroport 29  
CH 1215 Geneve  
Switzerland

Re: M/V Djebel Refaa / Seville

Cargo loaded: Wheat in bulk  
Freight 3264.16 mts @ \$ 40.015pmt

\$ 130,615.36

Less 3,75% Comms

(\$ 4,898.07)

\$ 125,717.29

Overtime at Seville (\$ 2,038.50 )  
shared 50% -50% as agreed

\$ 127,755.79

Exchange rate \$ / € 1.51

**Total Due to Owners**

**\$ 127,755.79**

# EXHIBIT C

06-Mar-2008

## UBS KeyLink

## Cash Payment Confirmation

|                               |  |                           |  |
|-------------------------------|--|---------------------------|--|
| <b>Currency / Amount :</b>    | USD 127,755.79   | <b>Value Date :</b>       | 05-Mar-2008  |
| <b>Customer Reference :</b>   | LDcoFR010PPW5835   | <b>KeyLinkReference :</b> | LDcoFR0117180PPW5835   |
| <b>Date Sent :</b>            | 05-Mar-2008  | <b>Message Priority :</b> | 5  |
| <b>Payment Type :</b>         | Customer Transfer  | <b>Pay Description :</b>  | 2030070015   |
| <b>Status / Acknowledg. :</b> | Ack3-Instruction Completed   |                           |  |
| <b>Beneficiary :</b>          | <b>Type / ID</b><br>ACCOUNT<br>GR28 0260 0290 0002 3120 0213 642                                   | <b>Description / City</b> | BAKER INVESTMENTS CORPORATION<br>PIRAEUS<br>Piraeus Branch Office<br>5-7 Ag. Nikolaou Street |
| <b>Bank of Benef. :</b>       | SWIFT<br>EFGBGRAAXXX   |                           | EFG EUROBANK ERGASIAS S.A.<br>8, OTHONOS STREET<br>ATHENS                                    |
| <b>Intermediary :</b>         | SWIFT<br>CITIUS33XXX   |                           | CITIBANK N.A.<br>111, WALL STREET<br>NEW YORK  |
| <b>Receiver Corr:</b>         | None   |                           |  |
| <b>By Order Of ID :</b>       |  |                           |  |
| <b>By Order Of :</b>          | /101WA411444000<br>LOUIS DREYFUS COMM. SUISSE (GRAIN)<br>29, ROUTE DE L'AEROPORT<br>1215 GENEVE 15 |                           |  |
| <b>Payment Detail :</b>       | Narr. INV M V D R<br>NONE<br>NONE<br>NONE  |                           |  |

**Ack 3 Ref :** SSP TRXM REF: AHSAYHZ8EBM3LP7A  
 Busn. Deal ID: US01065KU0517814  
 CHPACK:0327901

**Status Description :**  
 Ack. 1 - Instruction sent  
 Ack. 2 - Instruction received  
 Ack. 3 - Instruction paid / forwarded

# EXHIBIT D

06-Mar-2008

## UBS KeyLink

## Outgoing Message Detail

**Manual**

|                    |                         |                     |   |  |
|--------------------|-------------------------|---------------------|---|--|
| <b>Description</b> | : payment ID 2030070015 | <b>Related Ref.</b> | : |  |
| <b>Reference</b>   | : LDcoFR010REKZ836      | <b>Origin</b>       | : | Manual                                   |
| <b>Swift</b>       | : 999 Freeformat        |                     |   |  |
|                    |                         |                     |   |  |
| <b>Status</b>      | : Instruction Forwarded | <b>Bank ID</b>      | : | UBSWUS33XXX                              |
| <b>Message to</b>  | : Bank                  | <b>Description</b>  | : | UBS AG, NEW YORK/STAMFORD, CT 06912-0300 |
| <b>Sender</b>      | : LDcoFR01 / OD         |                     |   |  |
| <b>Receiver</b>    | :                       |                     |   |  |

**Message**

Regarding payment ID 2030070015  
 value date 05/03/2008  
 Amount : 127 755.79  
 currency : USD  
 debited account : 101WA411444000

Message :  
 beneficiary name should be ADORA INVESTMENTS INC  
 instead of BAKER INVESTMENT CORPORATION.

Thanks  
 regards  
 Louis Dreyfus commodities Suisse

**Events**

| Event      | User     | Date              | Description                        |
|------------|----------|-------------------|------------------------------------|
| AX         | SYS COMM | 06-Mar-2008 16:51 | SWFACK on 080306 at 1551           |
| ACK2       | SYS COMM | 06-Mar-2008 16:51 | ACK2 generated by KeyLink KDL.     |
| ACK1       | SYS COMM | 06-Mar-2008 16:51 | Message Ack'd by Bank              |
| Verify V2  | JEANDET  | 06-Mar-2008 16:51 | Verification in one step processed |
| New / Copy | OD       | 06-Mar-2008 15:44 | payment ID 2030070015              |

# EXHIBIT E



**LAW OFFICES OF RAHUL WANCHOO**

**Law Offices of Rahul Wanchoo**  
357 Westfield Avenue, Suite 10  
Ridgewood, New Jersey 07450  
Telephone: (201) 882-0303  
Facsimile: (201) 301-3576

Empire State Building  
350 Fifth Avenue, 59<sup>th</sup> Floor  
New York, New York 10118  
Telephone: (646) 593-8866  
Facsimile: (212) 618-0213  
E-Mail: [rwanchoo@wanchoolaw.com](mailto:rwanchoo@wanchoolaw.com)  
Web site: [www.wanchoolaw.com](http://www.wanchoolaw.com)

March 6, 2008

**Via Facsimile – 011-30-210-4282955**

Baker Investments Corporation  
5-7 Ag. Nikolaou Street  
Piraeus 18537, Greece

Attn.: Mr. George Ballian - [info@bakerintercorp.com](mailto:info@bakerintercorp.com)

**Re: Egyptian Navigation Co. v. Baker Investments Corporation, et. al.**  
**Docket No. 08 Civ. 02080 (SHS)**  
**United States District Court, Southern District of New York**

Dear Sirs,

We represent the Plaintiff, Egyptian Navigation Co., in the above referenced lawsuit. Please be advised that pursuant to an ex parte order of maritime attachment and garnishment issued in the above referenced lawsuit your property was attached at Citibank New York on or about March 5, 2008 in the amount of \$127,755.79. This notice is sent pursuant to Local Admiralty Rule B.2 of the Local Rules of Civil Procedure of the United States District Court for the Southern District of New York.

Please find attached copies of the Summons and Verified Complaint filed in the above referenced lawsuit. Please let us know if you have any questions in this matter.

Very truly yours,

LAW OFFICES OF RAHUL WANCHOO

By: Rahul Wanchoo  
Rahul Wanchoo